## IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

TONYA KELLY :

Plaintiff,

VS.

: Case No. 4:14-cv-00119

CAPE COD POTATO CHIP COMPANY, INC. et al.,

:

Defendants.

:

## DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING

Pursuant to Federal Rule of Civil Procedure 6(b), Defendants Snyder's-Lance, Inc. and Cape Cod Potato Chip Company, Inc. respectfully request an extension of time, through and including March 17, 2014, to answer or otherwise respond to Plaintiff Tonya Kelly's Class Action Petition ("Petition"). In support of this unopposed motion, Defendants state as follows:

- Defendants timely removed this action from the Circuit Court of Jackson County,
   Missouri to this Court on February 6, 2014.
- 2. Pursuant to Federal Rule of Civil Procedure 81(c)(2)(C), the deadline for Defendants to file a responsive pleading to Plaintiff's Petition is February 13, 2014.
- 3. Defendants have filed this unopposed motion before the deadline to respond to the Petition has passed.
  - 4. This is Defendants' first request for an extension of this deadline.
- 5. Defendants move for an extension of time to file a responsive pleading to the Petition up to and including March 17, 2014.

6. This extension of time will provide the necessary time for Defendants to analyze

the allegations in the Petition and formulate appropriate responses.

7. Counsel for Plaintiff has consented to this motion.

8. There will be no prejudice to any party as a result of such an extension.

9. A proposed order will be emailed to the Court's Courtroom Deputy in Word

format.

WHEREFORE, Defendants Snyder's-Lance, Inc. and Cape Cod Potato Chip Company,

Inc. respectfully request that this Court grant this Unopposed Motion and extend the period of

time for Defendants to file responsive pleadings up to and including March 17, 2014.

Dated: February 11, 2014

Respectfully Submitted,

/s/ John C. Aisenbrey

John C. Aisenbrey

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ATTORNEY FOR DEFENDANTS

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above and foregoing was electronically served via the CM/ECF this  $11^{th}$  day of February, 2014 to:

Christopher S. Shank David L. Heinemann Stephen J. Moore Dane C. Martin SHANK & HAMILTON, P.C. 2345 Grand Blvd., Suite 1600 Kansas City, MO 64108

/s/ John C. Aisenbrey
Attorney for Defendants